

ORDINANCE NO. O-1213-46

ITEM NO. 4

STAFF REPORT

GENERAL INFORMATION

APPLICANT

Shari Vaughn

REQUESTED ACTION

Partial closure of right-of-way (street) running east and west between Blocks 3 and 4. More specifically, the north thirty-five feet (35') of the seventy-foot (70') right-of-way known as Franklin Court (platted as Main Street) located adjacent to Lots 12, 13, 14, 15, 16 and 17 to the east boundary of the plat of Franklin Addition.

BACKGROUND: Franklin Addition was filed of record in 1908 with twenty-foot (20') rights-of-way (alleys) and seventy-foot (70') rights-of-way (streets). It is interesting that this plat was originally designed as an urban small lot development in a rural area. It appears in the beginning of developing this area, there was a proposal to incorporate the property into a township. However, the proposal was never accomplished and the property was annexed and later zoned by the City with Ordinance No. 1322. The property is zoned A-2, Rural Agricultural District. The rights-of-way were extended to the east, north, and west giving the impression the town would eventually grow. Since that time, the streets have never been constructed in the north or the east. In fact, one north/south street, Blackburn Avenue and several "alley" rights-of-way have been vacated.

Over the years the streets have been constructed by a few of the property owners. The portion of the street that will be discussed has never been constructed and it is apparent that it will never be constructed. It has been brought to staff's attention that the property owner to the east of Franklin Addition is opposed to the closing and vacation because they have in the past utilized the right-of-way to bring large vehicles onto their property. However, in doing so, they are not utilizing a paved street. Also, they have a direct access to their property from Franklin Road with a frontage of approximately 580 feet. At this time, the City does not propose to construct a paved public street within this right-of-way to the east property line. With developed properties on each side of the street, staff does not see a need for the continuation of the street.

Staff does have concerns regarding the property owner fencing the public right-of-way that is currently being utilized. If this closing is approved, the owners should be required to remove the fencing that is west of their existing drive and potentially blocking access for the property owners that are on the south side of Franklin Court. This item was postponed at the request of the applicant at Planning Commission meeting of July 11, 2013.

DISCUSSION: All franchised utilities were notified to assess the impact on their facilities if the right-of-way was closed; there were no objections. There are no utilities, including City owned utilities, located within the proposed closed right-of-way. The utility companies and City staff are not opposed to the closure of the right-of-way (street).

RECOMMENDATION: Staff recommends approval of the request to close the north thirty-five feet (35') of a seventy-foot (70') right-of-way (street) located adjacent to Lots 12, 13, 14, 15, 16, and 17, Block 4, to the east boundary of the plat of Franklin Addition.

ACTION NEEDED: Recommend approval or disapproval of the request to close the north thirty-five feet (35') of a seventy-foot (70') street right-of-way located adjacent to Lots 12, 13, 14, 15, 16, and 17, Block 4, to the east boundary of the plat known as Franklin Addition.

ACTION TAKEN: _____